

VS.

Defendant(s).

ORDER

(Docket No. 292)

The Ninth Circuit has held that there is a presumption of public access to judicial files and records and that parties seeking to maintain the confidentiality of documents attached to non-dispositive motions must make a particularized showing of “good cause” to overcome the presumption of public access. *See Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006); *see also Aevoe Corp. v. AE Tech. Co.*, 2013 WL 2302310, *1 (D. Nev. May 24, 2013). To the extent any confidential information can be easily redacted while leaving meaningful information available to the public, the Court must order that redacted versions be filed rather than sealing entire documents. *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1137 (9th Cir. 2003); *see also Vaccine Ctr. LLC v. GlaxoSmithKline LLC*, 2013 U.S. Dist. Lexis 68298, *9-10 (D. Nev. May 14, 2013) (discussing redaction requirement).

1 The pending motion seeks to seal portions of Plaintiff's motion for an order to show cause
2 (Docket No. 293) and certain exhibits attached to the declaration filed in support thereof (Docket
3 No. 294). With respect to the request to seal excerpts of Plaintiff's motion for an order to show
4 cause, Plaintiff contends that the information relates to Defendants' confidential and proprietary
5 sales information and business model. *See* Docket No. 292 at 3. Defendants, however, have not
6 submitted a declaration in support of the sealing request. *Cf.* Docket No. 334 (amending protective
7 order to establish procedure for requests to seal an opposing party's confidential information).

8 With respect to the request to seal exhibits attached to the declaration filed in support the
9 motion for an order to show cause, the motion asserts without elaboration that the exhibits "contain[]
10 confidential and proprietary information about its sales information and business model." *See*
11 Docket No. 292 at 4. There is no further explanation as to why the six exhibits identified merit
12 secrecy.

13 The Court is unable to conclude based on the papers that there is good cause supporting the
14 motion to seal. Accordingly, no later than October 25, 2013, Plaintiff shall submit supplemental
15 materials further supporting the motion to seal as it relates to its exhibits. To the extent the motion
16 to seal relates to Defendants' confidential information, the parties shall confer prior to that date and
17 Defendants shall provide to Plaintiff an appropriate declaration for filing in support of the motion to
18 seal no later than October 24, 2013.

19 IT IS SO ORDERED.

20 DATED: October 18, 2013

21 
22 _____
23 NANCY J. KOPPE
24 United States Magistrate Judge
25
26
27
28